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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,535	02/05/2002	Tammy Wheat	P15317-PU1A	2769

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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,535

Applicant(s)

WHEAT, TAMMY

Examiner

Charlie C. Agwumezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/18/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of claims

Claims 1-25 cancelled. Claims 26-47 have been added. Claims 26-47 are pending in this application per response to office action filed by Applicant on March 14, 2005.

Response to Amendment

Claims 26-47 have been examined. Claims 42-47 are wrongly numbered and have been renumbered as stated in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart U.S. Patent 6,759,960 in view of DeLorme et al U.S. Patent 5,948,040.

26. As per **claim 26 and 37**, Stewart discloses a method for utilizing a business to business (B2B) engine and real-time information exchange to manage reservations, the B2B engine being coupled to a telecommunications network and the internet the method comprising the steps of:

obtaining membership agreements and profiles with subscribers and businesses

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for managing the reservations (col. 5, lines 35-49);

Interconnecting the B2B engine with a business module, wherein the business module is in communication with a reservation application at a business member via the internet (fig. 3 and 5B; col. 7, lines 20-35);

receiving an inquiry in the B2B engine from a subscriber member via a subscriber module couple to the subscriber member's phone regard a reservation (fig. 1; col. 5, lines 25-35);

responsive to the inquiry, the B2B engine:

signaling a Mobile Positioning Centœ (MPC) connected to the telecommunication networks to determine the current location of the phone (fig. 3, 4 and 5; col. 1, lines 19-25, col. 2, lines 46-67); and

querying the business module for information regard the inquiry from the subscriber member (col. 6, lines 19-30);

sending a list of business members to the subscriber member's phone (col. 5, lines 35-50);

receiving a choice of one of the business member choices from the subscriber member (col. 7, lines 1-18).

What Stewart does not explicitly disclose is

sending a confirmation to the reservation application at the chosen business member via the internet; and
displaying the reservation information at the chosen business member.

Delorme et al discloses

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sending a confirmation to the reservation application at the chosen business member via the internet (col. 11, lines 50-67); and displaying the reservation information at the chosen business member (fig. 1B-3).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Stewart and incorporate a method in which, sending a confirmation to the reservation application at the chosen business member via the internet; and displaying the reservation information at the chosen business member as taught by Delorme et al in order to show alternative method of implementation.

27. As per claim 27 and 40, Stewart further discloses the method, wherein the business member is a restaurant, the subscriber member's phone is a mobile station (MS) and the business module is a restaurant module (fig. 1A and 5B; col. 7, lines 1-10).

28. As per claim 28 and 41, Stewart further discloses the method, wherein the step of querying the restaurant module for information regarding the current location of the MS. Further comprises:

responsive to the B2B engine query, the restaurant module determining locations of restaurants near the current location of the MS that fit the requirements of the inquiry (fig. 1A, 3 and 4; col. 4, lines 35-47); and accessing the reservation application at the restaurant to determine the current

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available seating at each restaurant (col. 3, lines 20-45).

29. As per **claim 29 and 42**, Stewart further discloses the method, wherein the step of sending a list of business members to the subscriber member's MS further comprises comparing the available seating and wait times at each restaurant and sending the results of the comparison along with a list of the restaurants that most closely match parameters provided in the inquiry (col. 3, lines 7-20, 25-45).

30. As per **claim 30 and 43**, Stewart failed to explicitly disclose the method, further comprising the step of the restaurant module entering a temporary reservation at each restaurant to hold the reservation via the restaurant application utilizing information from the subscriber's profile.

DeLorme et al discloses the method, further comprising the step of the restaurant module entering a temporary reservation at each restaurant to hold the reservation via the restaurant application utilizing information from the subscriber's profile (fig. 5D).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Stewart and incorporate a method in which, the restaurant module entering a temporary reservation at each restaurant to hold the reservation via the restaurant application utilizing information from the subscriber's profile as taught by Delorme et al in order to show alternative method of implementation.

31. As per **claim 31 and 44**, Stewart failed to explicitly disclose the method wherein the step of sending a confirmation to the reservation application at the chosen restaurant further comprises converting the temporary reservation into a confirmed reservation and sending the ETA of the subscriber member at the chosen restaurant.

Delorme et al discloses the method wherein the step of sending a confirmation to the reservation application at the chosen restaurant further comprises converting the temporary reservation into a confirmed reservation and sending the ETA of the subscriber member at the chosen restaurant. (fig. 3, 5D and 7B; col. 67, lines 30-35).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Stewart and incorporate a method in which, sending a confirmation to the reservation application at the chosen restaurant further comprises converting the temporary reservation into a confirmed reservation and sending the ETA of the subscriber member at the chosen restaurant as taught by Delorme et al in order to show alternative method of implementation.

32. As per **claim 32**, Stewart further discloses the method, wherein the step of obtaining memberships is attained by a reservation management entity (fig. 1).

33. As per **claim 33 and 45**, Stewart further discloses the method, wherein the step of obtaining membership agreements with subscribers and restaurants for managing the reservations, further comprises the steps of

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installing the subscribers module in each subscribers member's mobile station (MS) for communicating with the B2B engine and installing the reservation application for providing read/write access to a database in each restaurant member's computer system (col. 5, lines 35-50, col. 7, lines 1-10).

34. As per **claim 34 and 46**, Stewart failed to explicitly disclose the method, wherein the step of displaying the reservation information at the chosen restaurant further comprises:

receiving an estimated time of arrival (ETA) of the subscriber member from the restaurant module and posting the updated information to the restaurant display.

Delorme et al discloses the method, wherein the step of displaying the reservation information at the chosen restaurant further comprises:

receiving an estimated time of arrival (ETA) of the subscriber member from the restaurant module and posting the updated information to the restaurant display (fig. 7B).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Stewart and incorporate a method in which, receiving an estimated time of arrival (ETA) of the subscriber member from the restaurant module and posting the updated information to the restaurant display as taught by Delorme et al in order to show alternative method and time of arrival of the member.

35. As per **claim 35 and 47**, Stewart further discloses the method, further comprising the steps of:

the reservation application sending an update request to the restaurant module, wherein the B2B engine, queries the MPC to provide the current location of the MS (col. 5, lines 15-24, col. 6, lines 18-30).

What Stewart does not explicitly disclose is the restaurant module calculating the ETA of the subscriber member and updating the reservation information in the reservation application.

Delorme et al discloses the restaurant module calculating the ETA of the subscriber member and updating the reservation information in the reservation application (fig. 7B).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Stewart and incorporate a method in which, the restaurant module calculating the ETA of the subscriber member and updating the reservation information in the reservation application as taught by Delorme et al in order to show alternative method and time of arrival of the member.

36. As per **claim 36 and 48**, Stewart further discloses the method, wherein the business member is selected from the group consisting of a hotel, a beauty shop, a doctor's office, and a dentist's office (col. 7, lines 1-10).

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38. As per claim 38, Stewart further discloses the system, further comprising a mobile positioning center for determining the location of each of the subscriber members (fig. 1; col. 2, lines 57-67).

39. As per claim 39, Stewart further discloses the system, further comprising a database, coupled with the B2B engine. For storing information received from a client logic module resident on the subscriber member's phone and the reservation application resident at the business member (col. 5, lines 35-50, col. 7, lines 1-10).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is (571) 272-6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272 – 6712. The fax phone number for the organization where the application or proceeding is assigned is (703) 305-7687. [Official communications; including After Final communications labeled "Box AF"]. (703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

acc

June 14, 2005


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222